



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 24, 1997

BY FACSIMILE AND U.S. MAIL

James Bopp, Esq.
Bopp, Coleson & Bostrom
2 Foulkes Square
401 Ohio St.
P.O. Box 8100
Terre Haute, IN 47808-8100

RE: MUR 3374
National Right to Life Committee, Inc.
National Right to Life Political Action
Committee and Amarie C. Natividad, as
treasurer

Dear Mr. Bopp:

As we discussed in our phone conversations last week, this letter serves as a follow-up to the Subpoena/Order responses of your clients, the National Right to Life Political Action Committee ("NRLC") and the National Right to Life Political Action Committee and its treasurer ("NRL PAC"), which we received on Friday, April 11.

In their responses, your clients object to producing copies of calendars, appointment books and other such documents used by five named NRLC or NRL PAC officials and/or employees whom you have identified in earlier Subpoena/Order responses as having knowledge of NRSC contributions and/or NRLC/NRL PAC get-out-the-vote activities. Your clients maintain that the request for calendars covering 1992 and 1994 is overbroad, unduly burdensome and requires production of "privileged" information. In our phone discussions, your main objection seemed to be to producing records of meetings between your clients and others that, in your view, are outside the Commission's jurisdiction, i.e., records of meetings that did not concern federal candidates, federal elections or the NRSC's contributions.

In an effort to accommodate your concerns, this Office is willing to accept either of two alternatives in lieu of complete copies of the calendars: (1) that your clients permit FEC attorneys to inspect, at your clients' offices the calendars, appointment books or other such documents used by the five named individuals and mark for copying and

production specific pages or entries, or (2) that your clients produce, for each of the five named individuals, a list, by date, of all meetings or phone calls referenced on the 1992 and 1994 calendars or other such documents that involved the following persons or organizations and during which federal elections, federal candidates or NRSC contributions were discussed: (a) NRSC officers, directors, employees or agents, including but not limited to Jeb Hensarling, Senator Phil Gramm, Curt Anderson, Paul Curcio, William Harris and David Carney; (b) any 1992 federal candidate in 1992 and Rod Grams and Rick Santorum in 1994; (c) John Grotta; (d) Wes Anderson; (e) Coalitions for America and/or any of its officers, directors, employees or consultants including Eric Licht and Paul Weyrich; (f) the League of Catholic Voters aka the American League of Catholic Voters and/or any officer, employee or director thereof; (g) Maurice Rosenberg and (h) Jackie Schweitz. Such listings shall reflect all information contained in the calendars such as meeting times and attendees. Moreover, if you elect not to provide the date for a particular meeting based on the subject matter of that meeting, please provide affidavits from each of the NRLC officers or employees who attended the meeting stating that no discussion of federal elections, federal candidates or NRSC contributions occurred.

The NRLC has also raised objections of overbreadth, confidentiality and burdensomeness, without further explanation, to producing copies of bank statements of the account into which the NRSC's contribution checks were deposited (Document Request No. 8). However, as noted in our discussion, this request is narrowly tailored to cover a discrete time period (September 1-December 31, 1992 and 1994), and the NRLC has already produced bank statements without objection for a similar time frame for two other bank accounts in response to the Commission's August 7, 1995 Subpoena/Order. See NRLC's responses to Question 3b of the Subpoena/Order and Question 3 of this Office's February 2, 1996 follow-up letter. Consequently, we do not understand how a request for statements of the account into which contributions were deposited is overbroad, burdensome or confidential. Moreover, since these statements will reflect any other deposits NRLC made during the time period in which the NRSC contributions were received, these bank account statements are particularly relevant to this investigation. Although we briefly discussed limiting Document Request No. 8 to bank statements covering three months rather than four, upon further reflection, we believe such a limitation is unwarranted particularly given that the NRSC's initial 1992 contribution occurred within the first two days of October.

In addition to our specific discussion concerning the production of calendars and bank account statements, I indicated to you that this Office's review of the NRLC's response revealed other deficiencies that I would bring to your attention in a follow-up letter. Those deficiencies are addressed below.

Interrogatory No. 4 to the NRLC requests identification of all persons involved in each communication specified in Interrogatory No. 3 between the NRLC and certain campaigns. Accordingly, please identify the person(s) at the Santorum campaign with whom David O'Steen met concerning the family cap proposal, the person(s) at the Grams campaign with whom Maurice Rosenberg met concerning Rod Grams' position on pro-life issues and the Minnesota Citizens Concerned for Life candidate questionnaire, and the persons at the Grams campaign with whom David O'Steen and Darla St. Martin met concerning Rod Grams position on pro-life issues. Please note that the definition of "identification" in the Subpoena/Order includes a person's most recent address, telephone numbers, title, and current position or occupation.

Similarly, with respect to NRLC's response to Interrogatory No. 1, please provide the most recent address, telephone numbers, title and current position or occupation of Felicia Goeken.

Interrogatory No. 7 requests that the NRLC identify the source of the lists used in particular GOTV telephone call projects. For each of the five programs enumerated in Interrogatories 7a-7e, please state specifically whether the list used was owned by NRLC, provided by an affiliate or both. Moreover, for each subquestion, please provide the names of the specific affiliate(s) who provided the list, its address, phone number and the name of its chief executive officer as required in the Subpoena/Order definitions and instructions.

Finally, Interrogatory No. 6 to the NRLC requests a list, *by state*, of all GOTV projects along with the cost of each project. Rather than provide the cost of each project by state, the NRLC has provided the total cost paid to vendors for calls covering multiple states. While we appreciate that it may have been easiest to provide a cost per vendor, we note that some of the invoices produced by NRLC in response to the Commission's August 1995 Subpoena/Order broke down the costs of GOTV programs by state or race. Please indicate the portion of the total cost paid to each vendor attributable to each particular state and/or race. In the alternative, you may provide copies of all invoices. Also, we note that Attachment A to NRLC's response lists the total cost for GOTV calls made by MDS as \$2,649.60 and includes a separate page noting that the MDS calls were made in connection with only two congressional races in Arizona. However, NRLC's response to Question 7 of the August 1995 Subpoena/Order and the documents produced by NRLC at that time, show payments to MDS for GOTV phone calls represented as for the Pennsylvania Senate race, MDS invoices totaling \$8,243, and payments to MDS totaling in excess of \$12,000. (See Attachment F of David O'Steen's September 29, 1995 affidavit). Please clarify these expenditures.

Since it has now been almost two months since the NRLC and NRL PAC received the Commission's February 11, 1997 Subpoenas and Orders, it is imperative that

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we receive the information requested above no later Wednesday, April 30. Please notify me prior to that date if you wish to comply with the requests for calendars via the inspection alternative rather than the list alternative so that we can set up a mutually convenient time to do so. Although I am hopeful we can work with you on specific, relevant objections, we will seek subpoena enforcement authority if the requested information is not received or other arrangements made by that date.

Please contact me at (202) 219-3400 should you have any questions. Also, we are currently reviewing the subpoena responses received last Wednesday from your clients, Minnesota Citizens Concerned for Life Inc. and Minnesota Citizens Concerned for Life Committee for a Pro-Life Congress, and will advise you shortly if any additional follow-up is needed.

Sincerely,

A handwritten signature in cursive script that reads "Dawn M. Odrowski".

Dawn M. Odrowski
Attorney